

ARIZONA STATE SENATE

RESEARCH STAFF



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TO: MEMBERS OF THE SENATE
JUDICIARY COMMITTEE

DATE: March 14, 2023

SUBJECT: Strike everything amendment to H.B. 2169, criminal classification; sexual offense; prohibition

Purpose

An emergency measure that prohibits the possession, trafficking or importation of a child sex doll and classifies a violation as a class 4 felony. Requires persons convicted of or adjudicated guilty except insane for a violation to register as a sex offender and be included on the sex offender website.

Background

A person commits *sexual exploitation of a minor* by knowingly: 1) recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct; or 2) distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct. *Sexual exploitation of a minor* is a class 2 felony and is punishable as a dangerous crime against children if the minor is under 15 years of age ([A.R.S. § 13-3553](#)).

The Department of Public Safety (DPS) must establish and maintain an internet sex offender website for the purpose of providing sex offender information to the public. The internet sex offender website must include any offender whose risk assessment has been determined to be a level two or level three, or any person assessed to be a level one offender and who has been convicted of the following offenses: 1) sexual assault; 2) sexual exploitation of a minor if the offender is at least 21 years old and is sentenced for a dangerous crime against children; 3) commercial sexual exploitation of a minor; 4) sexual abuse if the victim is under 12 years old; 5) molestation of a child if the victim is under 12 years old; 6) sexual conduct with a minor if the victim is under 12 years old; 7) child prostitution if committed on or before August 9, 2017; 8) child sex trafficking as specified; 9) taking a child for the purpose of prostitution if the victim is under 12 years old; 10) luring a minor for sexual exploitation if the victim is under 12 years old; 11) aggravated luring of a minor for sexual exploitation if the victim is under 12 years old; and 12) continuous sexual abuse of a child if the victim is under 12 years old ([A.R.S. § 13-3827](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the possession, trafficking or importation of a child sex doll and classifies a violation as a class 4 felony.
2. Defines *child sex doll* as an anatomically correct doll, mannequin or robot that:
 - a) has the features of, or features that resemble, those of an infant or a child who is under 12 years old; and
 - b) is intended to be used for sexual stimulation or gratification.

3. States that a person commits *possession of a child sex doll* by intentionally or knowingly possessing a child sex doll.
4. States that a person commits *trafficking a child sex doll* by knowingly manufacturing, distributing, selling, transferring, offering to sell, advertising, providing, shipping, delivering for shipment, offering to deliver for shipment or possessing with the intent to manufacture, distribute sell, ship or transfer a child sex doll.
5. States that a person commits *importing a child sex doll* by knowingly transporting a child sex doll into Arizona by any means with the intent to distribute, sell or transfer the child sex doll.
6. Provides that the possession of two or more child sex dolls, unless satisfactorily explained, may give rise to an inference that a person intends to commit trafficking of child sex dolls.
7. Includes, in the classification for *sexual exploitation of a minor*, selling or purchasing a child sex doll with the intent to replicate the physical features of a real infant or a minor who is under 12 years old.
8. Requires persons convicted of or adjudicated guilty except insane for a violation of *possessing, trafficking or importing a child sex doll* to register as a sex offender.
9. Requires the internet sex offender website to include persons convicted of or adjudicated guilty except insane for a violation of *possessing, trafficking or importing a child sex doll*.
10. Makes technical changes.
11. Becomes effective on signature of the Governor, if the emergency clause is enacted.